

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19124 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- GOPALGANJ TOWN District- Gopalganj

Abdul Rahman @ Abdul Rahmani @ Nejam @ Neyam @ Neyaj Son of Md. Hanif Resident of Village - Sareya Ward No.- 2 (Naharpar), P.S.- Gopalganj, District – Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-06-2020 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner who is in custody since 20.01.2020 has filed the instant application for grant of regular bail in connection with Gopalganj Town P.S. Case no. 43 of 2020 registered under section 414 of the Indian Penal Code and sections 8(c) and 20(a) of the NDPS Act.

As per allegation in the FIR, information was received of sale of smack. It is stated that a motorcycle was stopped in course of checking and the driver of the same was searched. On search 14 small packets were found which on opening appeared to contain smack. It is further stated that on the signal of the accused, three other persons including the petitioner who were standing on the road side were also caught and on search five small packets of smack was recovered.

It is submitted by learned counsel for the petitioner that the allegations of recovery as levelled against the petitioner in the FIR are false and concocted. Even as per the prosecution case a total quantity of smack said to be recovered from the petitioner is 3.06 gm and quantity up to 5 gm thereof is stated to



be small quantity under the NDPS Act. It is further submitted that the petitioner has no criminal antecedent and is in custody since 20.1.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Trial no. 3 of 2020 (arising out of Gopalganj Town P.S. Case no. 43 of 2020) on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge I – cum - Special Judge, NDPS, Gopalganj.

(Partha Sarthy, J)

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